

so, a large sum of money from the said John White & Henry White, or one of them, as a consideration for his arresting the proceedings so instituted by him," (referring to a suit which had been commenced by Campbell P. White against the said Henry White & John White,) "and for a transfer of all his interest in the partnership aforesaid."

The bill does not allege that Campbell P. White transferred his interest in the partnership to Henry White, or that any money was paid him by Henry White. The allegation is, that money was paid him by John and Henry, or one of them, in consideration of the transfer of his interest in the partnership, and therefore it does not appear by whom or to whom the transfer was made.

This statement of the plaintiff's case, as I think, leaves it too uncertain to make it necessary that Henry White, who, but for the supposed transfer, has clearly no interest in the litigation, should be required to answer, but as the objection is founded upon an ambiguity in stating the plaintiff's case, I shall, while ruling the demurrer good, retain the bill as against this defendant, to give the plaintiff an opportunity of amendment.

The objection that the bill is multifarious, as blending several distinct matters and causes of action, in no way dependent or associated with each other, or proper to be litigated in one suit, is not, I think, well taken.

If the bill is to be understood as averring that the defendant, Campbell P. White, who was a partner, has transferred his interest in the partnership to John White and Henry White, or to the latter alone, I can see no good reason why he may not be called upon to account for the affairs of the concern in connection with the partners, as in that event, he would have an interest in common with them, and would be a necessary partner to a bill calling for a settlement of the partnership. Neither can I see why the settlements of 1835 and 1848, may not be investigated and litigated in the same bill. The former may have led to the latter, and, therefore, there would seem to be a propriety in examining into both at the same time. At all events, I cannot now see that these two matters are so dis-